

Application. No. 10/826,913
Amendment dated July 17, 2006
Reply to Office Action of May 8, 2006

REMARKS/ARGUMENTS

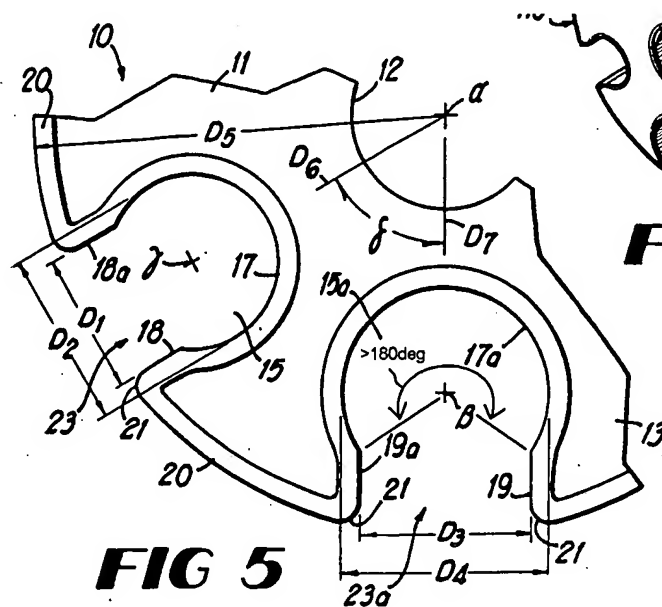
Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 9 - 17 are withdrawn. Claims 7 - 8 and 18 - 21 are cancelled. Claims 22 - 26 are new. Claims 1 and 2 are amended. Claims 1 - 6, 9 - 17 and 22 - 26 remain in the case.

The present invention is a pad support for use with a pipe or bar clamp. Pipe clamps are clamps having an elongated member to which a fixed jaw and an adjustable jaw are affixed. The fixed jaw is typically placed at or near a distal end of the pipe or bar while the adjustable jaw is placed at the proximal end. An aperture located in the center of the pad support surrounds the longitudinal, elongated member and may readily be slid therealong to provide support to the elongated member above the surface of a work piece. Specifically, the elongated member is supported within the aperture of the pad support and the pad support is shaped to make two points of contact with the surface of the ground or work piece. The geometry and material are chosen to prevent damage to the surface above which the pipe or bar clamp is positioned. Sets of pad supports having different diameters and/or different aperture geometries are provided.

Claim 7 was objected to under 37 CFR §1.75(c), as being of improper dependent form. As the Examiner points out, claim 7 failed to limit the subject matter of the previous claim by describing details of an unclaimed clamp. Therefore, claim 7 is hereby cancelled.

Claims 1 - 5 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,027,478 for COILING CLAMP FOR LINEAR FLEXIBLE MATERIAL, issued July 2, 1991 to Robert N. Suhr. The different purpose of the present invention demands a structure that is completely different from that of SUHR.

SUHR provides a circular, rigid body coiling clamp having recesses spaced circumferentially around the periphery for receiving and holding one or more flexible linear materials (garden hoses, extension cords, ropes, etc.), as seen in Figure 7. In order for the linear material to be held within the recesses, the arcuate recesses must subtend an angle greater than or equal to 180 degrees. In other words, the center point of each recess must always fall within the periphery of the circular member for proper retention of the linear material. This point is illustrated in Figure 5 (shown below) of SUHR and is similarly illustrated in Figures 1, 2 and 6 - 13 of SUHR. Note that the wall 17a of the recess is an arc that subtends from end point to end point an angle measured from the center point that is greater than 180 degrees. Because of this essential geometry, the center point always falls within the periphery of the circular member, measured by diameter D5.



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Applicant's invention, on the other hand, requires a completely different geometry. Applicant's recesses are not used for the purpose of holding material within, but for the purpose of forming a wide and stable base for supporting the pipe at the center of pad support. For this purpose, the recesses, while still arcuate, are far more shallow than those in SUHR. In other words, the shape of the recesses in Applicant's invention is an arc length that subtends an angle that is always less than 180 degrees. Furthermore, this geometry always places the center point of the recessed arc in Applicant's structure, equivalent to center point in Figure 5 of SUHR above, outside the perimeter of the pad support defined by the distal ends of the lobes and encircling the center aperture. In other words, if Figure 5 were Applicant's structure, the center point of the recessed arc would lie radially outward from the center of the aperture at a distance that is always greater than D5, thus widening and shallowing the recesses in order to provide stability to the pad support. The resulting structure could not operate to retain hoses, cords, ropes or pipes at the periphery thereof; the linear material would merely slide off the structure.

The different purposes of SUHR and Applicant's invention require that the two have structures that always differ in the ways described above. As such, SUHR does not anticipate Applicant's invention as now recited in the amended claims.

Claims 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over SUHR. Claim 8 has been cancelled. Nevertheless, the size of the aperture and the number of lobes in Applicant's structure is not rendered obvious by SUHR. SUHR teaches a central aperture that is sized to be commensurate with the recesses provided around the periphery, while Applicant's structure has recesses that are in no way related to the size of the central aperture. There would be no motivation for SUHR to make such a modification. Claim 6 describes a preferred embodiment of generic claim 1. The amendment of claim 1 is believed to overcome the rejection of

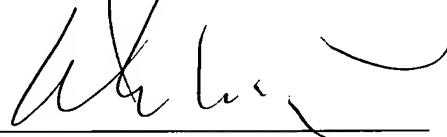
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claim 6. Generic claim 1 is in no way anticipated, suggested or rendered obvious by SUHR for the reasoning set forth above.

The amendments to claims 1 and 2 are believed to overcome the rejection of claims 1 - 6. Generic claim 1 is believed to be allowable. Similarly, new claims 22 - 26 are believed to be allowable as they describe the same distinguishable geometric features of Applicant's invention. Therefore, Applicant respectfully requests that claims 1 - 6 and 22 - 26 be allowed.

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On <u>July 17, 2006</u>	(Date of Deposit)
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David L. Banner	(Date)

Respectfully submitted,
MARK LEVY & ASSOCIATES, PLLC



By: Mark Levy
Registration No. 29,188
Attorney for Applicant
Press Building - Suite 902
19 Chenango Street
Binghamton, New York 13901
Phone: (607) 722-6600